

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BETH E. SHEA,

Plaintiff,

v.

R. BRADFORD PORTER,

Defendant.

**Civil Action No.
08-12148-FDS**

ORDER ON MOTION FOR RECUSAL

SAYLOR, J.

Defendant R. Bradford Porter has filed a motion requesting that I recuse myself pursuant to 28 U.S.C. § 455(a) on the ground that my impartiality might reasonably be questioned. I am of course confident that I will provide a fair trial to both sides, without partiality or bias. The issue, however, is not subjective (that is, whether the judge is actually impartial), but objective (whether under the circumstances a reasonable person would so conclude). *See, e.g., In re Bulger*, 710 F.3d 42, 45-46 (1st Cir. 2013). Under the circumstances presented here—where I am not the trier of fact; where I have exercised my authority to grant a new trial under Rule 59(a), which necessarily required credibility determinations; and where the jury in the new trial will not be informed of that decision—the extraordinary remedy of recusal is not warranted. The fact that I have made certain independent evaluations of credibility of witnesses is not itself a ground requiring recusal. *See, e.g., Logue v. Dore*, 103 F.3d 1040, 1046, (1st Cir. 1997).

Accordingly, the motion for an order of recusal is DENIED.

So Ordered.

Dated: April 28, 2015

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge